

Police use of force



Police Use of Force The purpose of this paper is to provide a critical discussion of police use of force specifically in relation to how much force should be allowed. As part of this discussion the concepts of excessive force and deadly force will also be covered in detail

The issue of police use of force is tricky. In some societies it may be the case that a much higher level of police use of force may be tolerated over other societies. According to Policeuseofforce.org (2010) it is the case that several different types of physical intervention are available to intervening officers to varying degrees of legal mandates depending on the diverse types of encounters that are common amongst police officers and citizens.

Justification of the level of force used is dependant on the situation at hand and the interaction with the citizenry.

From a philosophical standpoint it could be argued that as regular citizens we have a social contract with the police and our legal system insofar as we have designated that in exchange for a certain level of sovereignty to these authority figures in exchange for maintaining social order and the rule of law.

From this perspective we could postulate that a use of force could be designed on a sliding scale from a stern warning from a police office for minor violations on the one side of the spectrum, right through to the use of deadly force for the most sever violations. However that is not to say that police do not act in a manner that goes outside of the boundaries of what is considered sensible in circumstances and to say that there are different viewpoints as to what would be considered adequate. Obviously from one perspective, a person who is being subjected to a degree of force from a police officer is probably going to believe that the use of force that he or she is being subjected to is excessive whereas a non partisan observer might

have a completely different objective. As it stands a number of specific mandates are given to police officers at different levels as to what level of force is appropriate in what circumstances. For example it may be the case that the moment a weapon becomes visible the police then have authorization to automatically use less than lethal weapons (Tazers, pepper spray, batons etc.).

From a legal perspective according to US Legal definition (2010) police brutality represents a violation of civil rights when an officer acts with more force than what is required, yet there is no precise definition. In the American context, as a generality, force should only be used to the most minimum extent needed to achieve a legitimate purpose and any use above and beyond this level represents a violation of the fifth and fourteenth amendments of the constitution. Building on this point, it may be the case that in many circumstances the use of deadly force is justified insofar as when an officer is violently attacked by a suspect who is armed but it may also be the case that the use of deadly force is not justified such as with an accidental weapons discharge, or when an officer overreacts and administers a savage beating that results in death. In these circumstances there should be some sort of legal retribution to the officer who at the low side of the scale would be given a warning and at the high end of the scale is terminated from their position and face murder charges.

References

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